

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-18 and 37-38 are presently pending. Claims amended herein are 1 and 37. New claim 38 has been added herein.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on February 10, 2009. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited references. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] I understood the Examiner to be receptive to the proposals, specifically the clarification regarding better defining change as a determinant. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims and there only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1 and 37 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0011] Support for new claim 38 can be found at least at page 7, lines 27-32.

Substantive Matters

Claim Rejections under §101

[0012] Claims 1, 3-18 and 37 are rejected under 35 U.S.C. §101. Independent claims 1 and 37 have been amended to overcome this rejection, as seen above. If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under §103

[0013] Claims 1 and 3-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boucher et al. (U.S. Patent No. 6,675,387) in view of van der Schaar et al. (U.S. Patent No. 6,785,334) in further view of Hazra (U.S. Patent No. 6,510,553) in further view of Yada et al. (U.S. Patent No. 5,870,145).

[0014] Claim 37 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Soundararajan (U.S. Patent No. 7,039,113) in view of Schaar in further view of Yada.

[0015] In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0016] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Independent Claim 1

[0017] Applicant submits that the combination of cited art does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- "determining, by at least one processor, a macroblock of the image, the macroblock being less than the entire image, the macroblock being determined by changes occurring in the macroblock during image generation, wherein the changes occurring in the macroblock comprise differences between a previously transmitted image and a current image"

[0018] The Examiner indicates (Action, p. 4) the following with regard to this claim:

base layer). Yada teaches that prior art encoding systems cause block distortion (Yada: column 2, lines 45-54). To help alleviate this problem, Yada teaches “transmitting enhancement data for an image, wherein the macroblock of the image is less than the entire image, the macroblock being determined by changes occurring in the block during image generation” (Yada: column 6, lines 26-29; column 7, lines 14-21; wherein the activity indicates the changes occurring in the block). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Boucher, add the enhancement schemes taught by Schaar and Hazra, and add the processing taught by Yada in order to obtain an apparatus that efficiently utilizes available network bandwidth.

[0019] Yada, Column 6, lines 26-29 states:

The detecting circuit 29 detects activity of the macroblock and changes the quantizing step in response to the detected result, where the activity means complexity of a picture information.

[0020] Yada, Column 7, lines 14-21 states:

In this equation, .DELTA.(j) depicts each of the quantizing steps of the quantizers 26-1 to 26-n and also variable values which are controlled by the detecting circuit 29 with respect to each of the

macroblocks. For example, a weight coefficient corresponding to the activity of the macroblock detected by the detecting circuit 29 is multiplied with the n fixed quantizing steps, thereby $\Delta(j)$ being formed. If $i < j$, $\Delta(j)$ is set so as to satisfy $\Delta(i) > \Delta(j)$.

[0021] Yada does not teach nor suggest "the macroblock being determined by changes occurring in the macroblock during image generation" as presently claimed by independent claim 1. Instead, Yada teaches a detecting circuit that detects activity of the macroblock wherein "activity means complexity of a picture formation". (Yada, Col. 6, lines 28-29). Complexity of a macroblock is completely different than the amount of change that is occurring in a macroblock during image generation.

[0022] Activity, as used by Yada, describes the complexity of a picture formation. A specific example of this complexity given is the color saturation with respect to each of the macroblocks. (See Yada, Col. 6, lines 37 – 50). Yada makes no mention of determining a macroblock based upon "changes occurring in the macroblock during image generation."

[0023] As can be seen from reviewing Yada and the present application, Yada does not teach or suggest "determining a macroblock of the image, the macroblock being less than the entire image, the macroblock being determined by changes occurring in the macroblock during image generation, wherein the changes occurring in the macroblock comprise differences between a previously transmitted image and a current image" as presently claimed by independent

claim 1. As such, the combination of cited art does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 3-18

[0024] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 37

[0025] Applicant submits that the combination of cited art does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- “identifying first and second macroblocks of the image, **by utilizing changes occurring in the first and second macroblock during image generation, wherein the changes occurring in the macroblock comprise differences between a previously transmitted image and a current image**”

[0026] The Examiner indicates (Action, p. 7) the following with regard to this claim element:

to the first and second portions of the image" (Schaar: figures 1-3). Yada teaches "identifying changes in a first and second macroblock by utilizing changes occurring in the first and second blocks" (Yada: column 6, lines 26-29; column 7, lines 14-21). Therefore it would have been obvious to one having

[0027] As explained previously, Yada does not teach nor suggest "identifying first and second macroblocks of the image, by utilizing changes occurring in the first and second macroblock during image generation, wherein the changes occurring in the macroblock comprise differences between a previously transmitted image and a current image" as presently claimed by independent claim 37. Instead, Yada teaches a detecting circuit that detects activity of the macroblock wherein "activity means complexity of a picture formation". (Yada, Col. 6, lines 28-29). Complexity of a macroblock is completely different than the amount of change that is occurring in a macroblock during image generation, as explained previously with regard to independent claim 1.

[0028] As such, the combination of cited art does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Conclusion

[0029] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

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